



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, FEBRUARY 7, 2012

No. 20

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, from whom comes every good and perfect gift, we turn our hearts to You, our refuge and strength. Lord, lead our Senators today in the ways of peace. Plant peace in their hearts, freeing them from selfishness and enmity and strengthening them with generosity and kindness.

Bring peace to our world so the weapons of destruction will become tools of construction and people will experience a shared destiny of hope and prosperity. In a special way, bless the members of our Armed Forces and their families. Sustain them with Your everlasting arms.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 7, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 12:30 p.m. Republicans will control the first 30 minutes, the majority the final 30 minutes.

The Senate will recess from 12:30 until 2:15 p.m. for our weekly caucus meetings.

We hope to begin consideration of a number of matters, including the surface transportation bill, during today's session.

### FORECLOSURE CRISIS

Mr. REID. Mr. President, in this country, owning a home means more than a roof over your head. It is the centerpiece of the American Dream.

For many responsible Americans, the dream of home ownership has become a nightmare. When Wall Street greed collapsed the economy in 2008, the housing market also collapsed. That meant free-falling home prices and a staggering number of foreclosures.

No State in the Union was hit harder than Nevada, but California was hit extremely hard, Michigan, Arizona, and Florida. But for 5 consecutive years, Nevada has led the Nation in foreclosures. The foreclosure rate in Ne-

vada is 400 percent of the national average.

Behind those statistics are people. Whether it is Nevada, Arizona, Florida, Michigan, or anyplace else in the country, statistics are people—families who bought homes where they could raise their families and enjoy life. Many Nevadans, like other Americans who worked hard, saved money and shopped responsibly, are now so far under water they can't see a way out.

So who is responsible? There is plenty of blame to go around. Brokers sold loans that could never be repaid, buyers bought houses they couldn't afford, and banks bought bad loans to sell to investors. Regardless of who is at fault, millions of homeowners who did everything right are still on the hook for a financial crisis they didn't cause. Many of them have never missed a payment.

Unlike some Republicans, I don't believe the answer is to throw up our hands and do nothing. Homeowners who have watched their equity evaporate don't have time to watch the market hit rock bottom, as one Republican candidate suggested. The President and Congress have taken action to ease this crisis. Not everything we have done to ease the crisis has worked, but we need to continue programs that are working and fix the ones that aren't. I support the President's efforts to reduce the hurdles to financing, and refinancing, for sure. Nearly 15 million Americans could benefit from refinancing their loans at today's historically low interest rates.

We must keep those who have lost their jobs from losing their homes as well. This proposal will help them reduce their monthly payments and save thousands of dollars every year. And for families who owe more than their house is worth, it will help them rebuild the equity they lost because of the collapse in the housing markets.

Redtape should no longer keep responsible homeowners from refinancing their loans and restoring their futures.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S361

Redtape, I repeat, should no longer keep responsible homeowners from refinancing their homes and restoring their futures.

There are some who advocate a do-nothing policy. There is nothing we can do to help. They couldn't be more wrong. Here is one example. My Nevada offices have posted several foreclosure workshops. More than 2,000 people have taken the opportunity to sit down and face their lenders—often for the first time. Several thousand more have gotten help from caseworkers in my office. Caseworkers and owners have worked together literally to save homes from the auction block. I am hosting another workshop in Las Vegas this Saturday.

We can't help everyone, but we must do more to help those we can. It is time for more Federal action. It is time to give homeowners in every State the tools they need to hold on to their homes and to hold on to the American Dream.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PAYROLL TAX CUT

Mr. McCONNELL. Mr. President, I want to make a couple of observations this morning about the bipartisan support that exists for extending a payroll tax holiday. I will start with the obvious: Republicans strongly support extending this tax cut for the rest of the year. Americans have suffered long enough as a result of this President's economic policies. They do not need to suffer more because of his failure to turn the economy around 3 years into his administration.

But the fact is any solution requires both sides to engage in good-faith negotiations. When my friend, the majority leader of the Senate, comes to the floor and says that Republicans in Congress are only willing to extend this tax cut if they are allowed to poison Americans' drinking water, then I think it is pretty safe to say it is time for fewer partisan attacks and more efforts to finish the job.

When a tax hike that has been rejected repeatedly by Members of both parties over the past year is the opening bid in a negotiation, I think it is safe to say that Democrats are more interested in scoring political points

than in scoring a tax cut that millions of middle-class Americans are counting on.

When the majority leader of the Senate suddenly announces he is working on a proposal of his own to extend this tax cut, even as the conference committee is in the midst of negotiating a bipartisan solution that everybody can support, I think it is pretty obvious where the problem lies. It is with the Democratic majority and a President who we thought were elected to lead.

I think most Americans would expect that at a moment such as this, when a solution to a pressing problem is sought, the majority party bears the responsibility to find it. It is worth noting that in the House, the majority party did its work and passed a 1-year extension. Yet all we get from the Democratic majority in the Senate are exaggerated claims, ad hominem attacks, and false accusations aimed at delaying a solution rather than achieving one.

So I would remind my friend the majority leader that the particular piece of legislation he railed against yesterday as an effort to poison people has broad bipartisan support, including 12 Democratic cosponsors here in the Senate—and rightly so in the midst of a jobs crisis. We should seize every opportunity we have to help job creators at a time when more than 13 million Americans are looking for work and can't find it.

The only thing controversial about this proposal—the only thing controversial about this proposal—is the idea of opposing it.

I would also remind the majority leader that the Federal pay freeze received more than 300 votes in the House, and that he himself already agreed to spending cuts during negotiations this past fall that would cover the cost of extending this payroll tax cut for the remainder of the year.

So let us allow the conferees to finish their work and get this payroll tax cut extended for the rest of the year. That is what Republicans want. That is what the President says he wants. And there is no reason we shouldn't be able to get this done. The Democratic majority of the Senate should be leading that effort, not rooting for its failure.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I see the distinguished Senator from Oklahoma and I know he is waiting to go and I appreciate his courtesy that I might go first. Let me speak in my capacity as chair of the Judiciary Committee.

Two weeks ago, when the Senate confirmed only 1 of the 19 judicial nominations on which votes were delayed from last year, I urged Senate Republicans to join with Democrats and take long overdue steps to remedy the serious vacancies crisis on Federal courts throughout the country. Nearly 1 out of every 10 Federal judgeships is vacant. Nonetheless, Senate Republicans refuse to consent to votes on consensus nominees who could fill many of those vacancies without further delay. These are well-qualified judicial nominees who were reported unanimously by the Judiciary Committee many months ago; there has been no explanation for the delay in their confirmation. During the last 2 months, Senate Republicans have consented to votes on only 2 of the 23 judicial nominees ready for final Senate action.

Of the 19 judicial nominations now awaiting a final vote by the Senate, 16 were reported by the Judiciary Committee with the support of every Senator on the Committee, Democratic and Republican. No Senator can or should have any reason to oppose these nominees in the Senate. But, month after month and year after year, Senate Republicans find new reasons and new tactics to delay confirmation of consensus judicial nominees for no good reason. I have never seen anything like this. These delays are a disservice to the American people. They prevent the Senate from fulfilling its constitutional duty. And they are damaging to the ability of our Federal courts to provide justice to Americans around the country.

Regrettably, the last 2 weeks evidences more of the same, a continuation of the delaying tactics we have seen for years, as Senate Republicans continue their across-the-board obstruction of President Obama's judicial nominations. For the second year in a row, Senate Republicans refused to consent to votes on judicial nominations before the end of the Senate's session in December. At the end of 2011, they again refused to follow Senate's traditional, longstanding practice of